REMARKS

By this Amendment, claims 1-2, 7, 10, 14-16 and 18-20 are amended to merely clarify the recited subject matter and new claims 21-29 (patentable for reasons similar to those submitted herein) are added to more fully claim the disclosed invention. Claims 1-29 are pending.

Claims 10-13 were rejected under 35 U.S.C. 112, second paragraph, for alleged indefiniteness. Applicant submits that the amended claims are in full compliance with 35 U.S.C. 112. Accordingly, withdrawal of the rejection is requested.

Claims 1, 14 and 20 were rejected under 35 U.S.C. 102(e) as being anticipated by Li et al. (U.S. 6,535,507; hereafter "Li"), claims 2-3, 5, 7-13 and 15-19 were rejected as being obvious under 35 U.S.C. 103(a) as being unpatentable over Li in view of Holt et al. (U.S. 6,070,192; hereafter "Holt"), and claims 4 and 6 were rejected under 35 U.S.C. 103(a) as being unpatentable over Li in view of Lager et al. (U.S. 6,636,502; hereafter "Lager"). Applicant traverses the rejections because the cited prior art, analyzed individually or in combination, fail to disclose, each or suggest all the features recited in the rejected claims.

For example, the cited prior art fails to disclose, teach or suggest the claimed invention related to a general packet radio service system that utilizes response messages to a request to create a PDP context. More specifically, the cited prior art fails to disclose, teach or suggest:

- the claimed method (independent claim 1) including "detecting, by the first gateway node that the condition is fulfilled, and instructing, by the first gateway node, to select the second gateway support node by sending a first message indicating the second gateway support node,"

- the claimed packet-switched telecommunications system (independent claim 10) wherein "in response to fulfilment of a predefined condition, the first gateway support node is arranged to send to the serving support node a first message indicating the second gateway support node which is more suitable for transmitting packets, and in response to receiving the first message, the serving support node is arranged to activate establishment of a tunnel to be used in transmission of packets with the second gateway support node indicated,"

- the claimed gateway support node of a packet network (independent claim 14) "arranged to transmit, in response to fulfilment of a predefined condition, a first message indicating another gateway support node which is more suitable for transmitting packets," and

- the claimed support node (independent claim 17) "arranged, in response to an address of a second gateway support node included in a message received from the first gateway support node, to activate establishment of a tunnel used for transmitting packets with said second gateway support node."

Li merely teaches how to conserve memory required for next-hop resolution routing tables. Li teaches that gateway switches need only save a next-hop address for any DN that is not served within that gateway's domain. In fact, col. 11, line 30 to col. 12, line 9 teaches how a routing path, including both S-A4 and S-B1, is established and stored.

Nevertheless, Li fails to teach or suggest that S-B1 should be used instead of S-A4; to the contrary, Li teaches that both S-A4 and S-B1 should be used, thereby, failing to teach or suggest defining at least one condition for a first gateway support node, so that when the condition is fulfilled, a second gateway support node is more suitable for transmitting packets. As a result, Li also fails to teach or suggest detecting, by the first gateway node, that such a condition fulfilled, and instructing, by the first gateway node, to select the second gateway support node by sending a, first message indicating the second gateway support node.

Holt fails to remedy the deficiencies of Li because Holt merely teaches that a network controller collecting loading information receives a message requesting an address to a gateway node. In response to that request, the network controller sends the network access server information indicating which gateway to send the connection request. That identification of the gateway is determined by the network controller; however, the network controller does not act as a gateway.

Thus, Li and Holt fail to disclose, teach or suggest that the claimed invention wherein a gateway detects whether or not a condition is fulfilled. Furthermore, the combination of Li and Holt fails to disclose, teach or suggest a gateway that sends instructions to select another gateway node by indicating the other gateway node.

In fact, Holt actually teaches away from the claimed invention wherein the condition fulfilment detection is decentralized to gateway nodes. Rather, Holt actually teaches centralized network controller collecting information on gateway nodes and making decisions. Thus, Applicant further submits that one of ordinary skill in the art would not have combined the teachings of Li and Holt as hypothesized by the Office Action.

Similarly, Lager fails to remedy these deficiencies of Li. The combined teachings of Li and Lager would merely provide a solution in which a GPRS system would contain a new centralized network node and the PDP context activation would include two additional signalling messages: the SGSN asking from the network controller an address of a GGSN and the network controller sending the address of the selected GGSN. However, any subsequent PDP context activation would continue in accordance with the teachings of Lager; thus, the GGSN would not send any instructions containing an indication of another gateway node.

Furthermore, the GGSN could not detect whether or not a condition defined for the GGSN has been fulfilled.
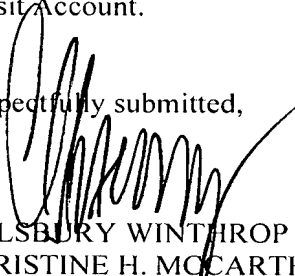
Thus, Li, or a combination of Li with Lager, fails to teach or suggest a gateway support node that sends instructions to select another gateway support node, or any claim feature related to that selection.

Since Li, analyzed in combination with either Holt or Lager, fails to teach the above features, the present claims are patentable over prior art cited. Accordingly, the prior art rejections of the claims are traversed and claims 1-29 are allowable.

Therefore, Applicant looks forward to receipt of a notice of allowance indicating the allowability of the pending claims. However, if anything further is necessary to place the application in condition for allowance, Applicant respectfully requests that the Examiner telephone Applicant's undersigned representative at the number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN LLP
CHRISTINE H. MCCARTHY
Reg. No. 41844
Tel. No. 703 770.7743
Fax No. 703.770.7901

Date: February 16, 2007
P.O. Box 10500
McLean, VA 22102
(703) 770-7900